

In the

FLORIDA SUPREME COURT

Scott Huminski,)	
Petitioner,)	Case Number: 2025-0176
v.)	
State of Florida,)	Original Jurisdiction
Respondent.)	

MOTION TO TAKE JUDICIAL NOTICE

NOW COMES, Petitioner Scott Huminski (“Huminski”) and moves that the Court take judicial notice of two Court orders discussing the *administrative transfer* of the contempt claims in *Huminski v. Gilbert, et al.*, 17-CA-421, 20th Circuit Court to Lee County Court in the absence of a Rule, statute or any authority that would allow the migration to a court of inferior jurisdiction which are attached hereto as Exhibit “A”, Exhibit “B”. Huminski also requests the Court take judicial notice of one defense pleading (among dozens) regarding the illegal bouncing of a Circuit Court contempt matter to a County Court while “administratively” adding a new party, the State of Florida, absent standing attached hereto as Exhibit “C”.

Exhibit “A” contemplates the transfer of the Circuit Court *sui generis* common law allegations from “civil to criminal” in violation of the federal removal.

The last two sentences of Exhibit “B” specify that the Circuit Court contempt was “administratively transferred”. By whom, how, why and when remains a

mystery not in the case record, although, the statement seems to refer to a misapplication of some unknown Administrative Rule without the citation of a Rule, Statute or other authority. Perhaps just the raw abuse of judicial power absent legitimacy similar to prior conduct of Hon. James Adams (retired) in *Pena v. State*, 259 So. 3d 223 - Fla: Dist. Court of Appeals, 2nd Dist. 2018 (case hijacking).

WHEREFORE, the Court should take judicial notice.

Dated February 26, 2025.

Respectfully Submitted,

-/s/- Scott Huminski

Scott Huminski, 26 Fleetwood Drive, Palm Coast, FL 32137

(239) 300-6656

s_huminski@live.com

Certificate of Service

True and correct copies of the above document and any attachment was served upon the State of Florida via the Florida e-filing portal on February 26, 2025.

-/s/- Scott Huminski

Scott Huminski

Exhibit “A”

17mm815

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA CIVIL ACTION

Huminski, Scott Plaintiff vs Town of Gilbert AZ et al Defendant

Case No: 17-CA-000421 Date: June 29, 2017 Judge: Elizabeth V Krier Deputy Clerk: Brenda Horton Court Reporter:

MINUTES

Attorney for Plaintiff: Kevin Sarlo Attorney for Defendant: Anthony Kunasck Present/Not Present checkboxes

Hearing Information:

SHOW CAUSE / ARRAIGNMENT PROCEEDING:

- Plea of Not Guilty Entered -CMC scheduled on 8/15/17 at 1:00 for 10 minutes -CMC is set to review how the State is proceeding with the case and at that Point we can schedule future hearings. Also to be discussed transfer case From civil to criminal -Pretrial release without bond / Conditions: Mr. Huminski is to check in with Pretrial officer every 2 weeks, along with the condition to not violate anymore Orders. Only Mr. Huminski's PD or licensed attorney may contact the courts. He must not contact the courts or Sheriff's Department by email

Motion Granted Denied Reserved checkboxes

Notes:

- Scott Huminski-present -Copies of orders on file given to Mr. Huminski, Mr. Sarlo, and Mr. Kunasck In court

*Sworn

Exhibit “B”

**IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION**

STATE OF FLORIDA,

Plaintiff,

vs.

Case No. 17-MM-815

SCOTT HUMINSKI,

Defendant.

**ORDER DISMISSING PLEADINGS REGARDING CHARGING DOCUMENT AND
ARRAIGNMENT**

THIS CAUSE comes before the Court on and Defendant's "Motion To Dismiss For Lack Of Subject Matter Jurisdiction" filed August 1, 2017, "Motion To Dismiss – No Information, Indictment Or Other Charging Document Exists In County Court – No County Court Arraignment Exists" filed August 22, 2017, "Notice Of Void Transfer From Circuit Court To County Court" filed August 23, 2017, "Notice Of Pendency Of This Matter In Circuit Court, Not County Court" filed August 27, 2017, "Notice Of Incorrect Docketing and Motion To Vacate Arraignment" filed August 30, 2017, "Motion To Dismiss – No Valid Arraignment Filed In Notice" filed September 21, 2017, "Motion To Dismiss – No Valid Charging Document" filed September 21, 2017, "Motion To Dismiss, Circuit Court Case Was Void For Want Of Jurisdiction" filed December 22, 2017, "Motion To Dismiss, No Charging Information" filed January 4, 2018, "Motion To Dismiss, Show Cause Order Fraud" filed January 5, 2018, and "Motion To Strike, Show Cause Order" filed January 5, 2018.

"An order to show cause is the charging document in a criminal contempt proceeding, just as an information is the charging document in a criminal case." Martin v. Pinellas County, 483 So. 2d 445, 447 (Fla. 2d DCA 1986). It can be initiated by the judge whose orders were violated, sua sponte. Cone v. Gillson, 861 So. 2d 1210 (Fla. 2d DCA 2003); Fla. R. Crim. P.

3.840(a). An order to show cause was filed June 5, 2017. To the extent that Defendant argued that no attachments were included with the order to show cause, this appears to be an error on the part of the Clerk failing to scan the attachments during filing, as the attachments appear in the order to show cause filed in Case 17-CA-421 on May 25, 2017.

To the extent Defendant argued he was not arraigned, the record refutes this claim, as indicated by the court minutes from June 29, 2017, and an "Order On Arraignment" filed July 10, 2017. Defendant was arraigned on June 29, 2017, at which time he entered a plea of not guilty, and was advised of his right to counsel.

Circuit and county courts have jurisdiction to hear criminal contempt cases. Schaab v. State, 33 So.3d 763 (Fla. 4th DCA 2010). There is no error in the proceeding being administratively transferred to a county court case number, rather than maintained within the separate civil case. Accordingly, it is

ORDERED AND ADJUDGED that the above pleadings are DISMISSED, as moot.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 17 day of January, 2018.


James Adams
County Judge

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to: Scott Huminski, 24544 Kingfish St., Bonita Springs, FL, 34134; Office of the State Attorney, P.O. Box 399, Ft. Myers, FL 33902-0399; and Court Administration (XIV), 1700 Monroe St., Ft. Myers, FL 33901, this 17th day of January, 2018.

LINDA DOGGETT
Clerk of Court

By: 
Deputy Clerk

Exhibit “C”

In The
Circuit Court of the Twentieth Judicial Circuit
In and for Lee County, Florida
- Civil/Criminal Division -

SCOTT HUMINSKI, FOR HIMSELF)
AND FOR THOSE SIMILARLY SITUATED,)
PLAINTIFF)
v.) DOCKET NO. 17-MM-815
TOWN OF GILBERT, AZ, ET AL.)
DEFENDANTS.) AKA: STATE V. HUMINSKI

MOTION TO DISMISS – STATE’S ATTORNEY DID NOT BRING THIS LITIGATION AND IS NOT A PROPER PARTY

NOW COMES, Scott Huminski (“Huminski”), and, moves as set forth above as the State’s Attorney has not filed one affirmative paper in this matter and fails to oppose any defense motions and did not initiate this litigation and has not filed a notice of appearance in this dubious case.

Dated at Bonita Springs, Florida this 19th day of January, 2018.

-/S/- Scott Huminski

Scott Huminski, pro se
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Certificate of Services

Copies of this document and any attachment(s) was served via the court's e filing system on this 19th day of January, 2018 to all parties.

-/s/- Scott Huminski

Scott Huminski